

Meeting of 2002-10-22 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 22, 2002 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Col. Puckett, Fort Sill Liaison

The meeting was called to order at 6:20 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 James Hanna, Ward Two
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: Glenn Devine, Ward Three

PRESENTATION ON STATUS OF ENERGETIX ENERGY PLANT

Ray Mize presented an aerial photo and list of steps accomplished in this project. The facility will be between Goodyear and Republic and hopefully allow them to remain competitive through use of the energy that will be produced. Energetix is working with two other industries currently evaluating whether to establish facilities in Lawton's industrial park; one industry is a frozen food storage facility.

Mize noted the overall chaotic condition of the electric industry due to Enron and other stocks being drastically devalued. Only two energy projects are being built in the nation and this is one. Steps taken in this project were obtaining a title commitment, survey, environmental issues and all related permits, access to treated effluent water, and a 25 year contract for natural gas. Operation and maintenance will be done by North American Energy Services through a 25 year contract. Energetix is in the final stages of negotiations with Republic and a month behind on negotiations with Goodyear. He explained the equity financing and debt financing that has been obtained. The remaining step is a contract with AEP-PSO for the sale of electricity, and a hearing will be held January 27-31 before the Oklahoma Corporation Commission in this regard. Mize said construction should begin in 30-60 days; 400-500 persons will be employed during construction and 20-25 during normal operations of this \$300 million, 300 mega watt facility. The Mayor and Council expressed appreciation for the presentation.

AUDIENCE PARTICIPATION:

Clarence Williams, 1817 Jefferson, spoke regarding pending court proceedings involving nuisance properties, and he will speak with Mr. Vincent tomorrow morning.

CONSENT AGENDA :

MOVED by Bass, SECOND by Moeller, to approve the Consent Agenda items as recommended with the exception of Items 1, 15, 16 and 21. AYE: Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Sharon and Howard Smith; David L. King; John A. and Kathi A. Dunaway, and Sara Mitchell. Exhibits: Opinions/Recommendations.

Vincent recommended denial of the King and Mitchell claims; no one was present to speak on them.

MOVED by Shanklin, SECOND by Baxter, to deny the claims of King and Mitchell as recommended. AYE: Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

Vincent reviewed the Smith claim for \$400.79 for a sewer back up at 908 NW 47th Street stating that based on the plumber's statement that he only rodded the service line that the City would not be responsible for the back up as the service line is the homeowner's responsibility.

Michelle Smith, 908 NW 47th Street, daughter of Sharon Smith who appeared at this time also, disputed the legal recommendation because the plumber told her his crews had entered the City's main line to remove the obstruction and he recommended she call the City. Smith explained her efforts to renovate the house before the back up and discussion was held concerning the carpet, pad and claiming funds for excessive usage of water. Vincent said he had pictures of the damage showing clear water in the residence but that he did not bring them with him.

MOVED by Shanklin, SECOND by Bass, to table the claim. AYE: Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller, Baxter. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

Vincent reviewed the John Dunaway claim for a sewer back up at 802 NW 63rd Street. A prior back up occurred in 1996 and the line was placed on preventative maintenance. In 1999 the line was totally replaced and there have been no reports of problems since that total replacement, therefore, it is staff's opinion that the City is not on notice of a defect due to the total line replacement.

John Dunaway said City crews worked in his yard for eight to ten days making repairs and told him that mud caused the line to collapse. He said it is a split level house and he has a pump on the lower level to prevent problems but it was unable to handle this. Dunaway reviewed problems he encountered in 1995 and 1996 due to sewage backups.

Baxter said the report shows the line was rodded but Dunaway described it as collapsing and requiring extensive repairs. Vincent offered to confirm the report with Public Works. Discussion was held regarding whether a back flow device or sump pump would assist Dunaway. Haywood explained his knowledge of the incident and his relationship with this family. Baxter asked if crews were in Dunaway's yard for eight days during this occurrence or if it was in 1996 and Dunaway said during this occurrence.

MOVED by Baxter, SECOND by Moeller, to table the claim for further review. AYE: Hanna, Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

2. Consider the following damage claims recommended for approval and consider passage of a resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Gina and Jason Terry; James E. and Louise Buford; and Edward W. and Linda Dzialo. Exhibits: Legal Opinions/Recommendations. (One resolution on file) Action: Approval of claims. Terry - \$180.00; Buford - \$175.00.

(Title) Resolution No. 02-188

A resolution authorizing and directing the City Attorney to assist Edward W. and Linda Dzialo in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Seven Thousand Nine Hundred Sixty Two and 66/100 (\$7,962.66).

3. Consider adopting a resolution ratifying the action of the City Attorney and City Manager in filing and making payment of the judgment in the Workers' Compensation case of Jerry D. West in the Workers' Compensation Court, Case No. 2002-06647L. Exhibits: Resolution No. 02-189.

(Title) Resolution No. 02-189

A resolution ratifying the actions of the City Attorney and the City Manager in making payment of the judgment in the Workers' Compensation case of Jerry D. West for the amount of Twenty One Thousand Five Hundred Sixty Seven Dollars and 00/100 (\$21,567.00), per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of Comanche County for purposes of placing said judgment on the tax rolls.

4. Consider approving the purchase of two parcels of land for the Flower Mound Road (Lee-Gore) Project, authorize the Mayor and City Clerk to execute the Warranty Deeds and authorize payments for the same. Exhibits: None. Action: Approve purchase and execute deeds from Crestview Development Co. and First Baptist Church, Inc.

5. Consider expanding job duties of the Neighborhood Services Supervisor and adopting a resolution revising pay grade of the Neighborhood Services Supervisor position. Exhibits: Memo; Resolution No. 02-190. (Increased from M6 to M8)

(Title) Resolution No. 02-190

A resolution approving modifications and revisions to the City's existing pay plan, modifying the personnel schedule of the FY 02-03 budget, and declaring an effective date.

6. Consider expanding job duties of the Audit Technician and adopting a resolution revising the pay grade of the Audit Technician position. Exhibits: Resolution No. 02-191; Status Report-Audit Department. (Increased from GE7 to GE8)

(Title) Resolution No. 02-191

A resolution approving modifications and revisions to the City's existing classification and pay plan, modifying the personnel schedule of the FY 02-03 budget, and declaring an effective date.

7. Consider report from Oklahoma Centennial Commission and authorize release of third quarterly payment. Exhibits: Report, Feb-April, 2002. Action: Accept the Commission's report and authorize payment of \$50,000 for the fourth disbursement, for period of April 1-June 30, 2002, bringing the total amount disbursed to \$200,000.00.

8. Consider a resolution as recommended by the Library Board to establish library fines and fees and include them as amended in Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995. Exhibits: Resolution No. 02-192.

(Title) Resolution No. 02-192

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, establishing and amending Library Fines and Fees.

9. Consider authorizing the Parks & Recreation Sports Division to redirect funds that were allocated for officials and scorekeepers flag football program in the 2002-2003 budget to be directed to a 7th Grade boys and girls basketball program administered by the YMCA and the Lawton Public Schools. Exhibits: None. Action: Approval.

10. Consider awarding a construction contract to Bruton Construction, Inc. for the NW 23rd Street Reconstruction Project #2001-15. Exhibits: Map. Action: Award a construction contract to Bruton Construction for the NW 23rd Street Reconstruction Project #2001-15 in the amount of \$126,220.00.

11. Consider approving the construction plans for water and sewer improvements for Lowe's Home Center at NW 47th Street and Cache Road. Exhibits: Map. Action: Approval subject to permitting by ODEQ.

12. Consider accepting the Skateboard Park Project #2001-16 as constructed by RCJ Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None. Action: Accept project and place maintenance bond into effect.

13. Consider acknowledging receipt of permit from the Oklahoma State Department of Environmental Quality for the construction of sewerline with appurtenances to serve Home Depot. Action: Acknowledge receipt of Permit No. SL000016020809 for 852 lf of 8" PVC sewer and appurtenances to serve Home Depot.

14. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to serve Sheridan Road Sewer Line Project, City of Lawton, Comanche County, Oklahoma. Exhibits: None. Action: Acknowledge receipt of Permit No. SL000016020613 for 3,500 lf of 12" PVC sewer and appurtenances to serve Sheridan Road Sewer Line Project.

15. Consider adopting a street light resolution to authorize the installation of street lights for Highland Cemetery and Kid's Zone Park. Exhibits: Street Light Resolution No. 422.

Bass asked why street lights were being recommended for Highland Cemetery. Kim Shahan, Parks & Recreation Director, said they were requested for security purposes due to previous vandalism.

MOVED by Bass, SECOND by Baxter, to approve Item 15. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

16. Consider approving and authorizing execution of the first amendment to the contract with Duke Brock, Inc., dba ACE Cash Express, for remote collection of City utility bills. Exhibits: Amendment.

Discussion was held on this service which allows for payment of a City of Lawton utility bill at this business located on Sheridan Road; the business in turn remits the utility payment to the City of Lawton. Current charge for the service is seventy-five cents and the proposed amendment raises the charge to \$1.

MOVED by Shanklin, SECOND by Hanna, to approve the contract amendment. AYE: Shanklin, Haywood, Bass, Hanna. NAY: Ewing-Holmstrom. ABSTAIN: Baxter. MOTION CARRIED.

17. Consider authorizing a Request for Proposals (RFP) seeking vendors to enter into a contract to install benches with advertisements on public property near designated bus stops. Action: Approval.

18. Consider approving a resolution opening and maintaining a deposit account with Fort Sill National Bank. Exhibits: Resolution No. 02-193.

(Title) Resolution No. 02-193

A resolution designating Fort Sill National Bank as a depository for the funds of this corporation.

19. Consider approving contracts for the Co-Sponsorship Program. Exhibits: None. Action: Approval of contracts with Museum of the Great Plains, Lawton Philharmonic-Student Performance, SODA-Bill Evans Workshop; Cache Public Schools, Monoprint Workshop; SOOG-Scenes from Light Opera; Lawton Ft. Sill Friends of the Ballet - Nutcracker; Lawton Heritage Assn. Mattie Beal Open House; CIVA - Vetans Pow-wow.

20. Consider approving request by Beth Stukey, MacArthur High School, for use of costumes and props used in "Oklahoma Opening". Exhibits: None. Action: Approval.

21. Consider approving the release of mortgages between the City of Lawton (Lender) and participants of the CDBG and/or HOME program (Borrowers) listed below and authorize the Mayor and City Clerk to execute the documents. Exhibits: None.

MOVED by Baxter, SECOND by Bass, to approve Item 21.

An additional lien release for Sharon Johnson was included along with those for Lena M. Myer, Sharon K. Myer, and Bobby L. Mansell and Delores K. Mansell.

AYE: Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass, Hanna. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

22. Consider approving the following contract extensions: A) UHF Portable Radios with Lawton Communications; B) Waste Oil Disposal with ORI Recovery, Inc. dba Oils Recovery; C) Aluminum Sign Blanks with Vulcan Signs; D) Metal Products with Sufrank Corporation dba Larrance Steel; E) Building Materials and Supplies with Comanche Home Center; F) Rental Equipment with C. L. Boyd Company, Inc.; G) Hydraulic Root Saws with Sewer Equipment Co. of America. Exhibits: None. Action: Approval.

23. Consider approval of payroll for the period of October 14 thru 27, 2002.

24. Consider approval of Minutes of Lawton City Council Meeting of October 8, 2002.

Due to the number of persons present, Item 29 was considered at this time.

29. Consider approving an ordinance amending Sec. 22-1-1-101 A and B, Lawton City Code, 1995, eliminating multi-family and single-family utility adjustments, or an ordinance amending Sec. 22-1-1-101 A and B, Lawton City Code, 1995, modifying utility adjustments, providing for severability, and declaring an emergency. Exhibits: Proposed Ordinances.

Rick Endicott, Finance Director, said the options in the packet were to entirely eliminate the vacancy adjustment or to eliminate it over a three-year period. Elimination would generate \$520,000 for the remainder of this fiscal year, or \$780,000 for a full year. Phasing out the adjustment over a three-year period at a rate of 13% the first year, 7% the second year, and discontinue totally the third year was another option; the 13% reduction would generate \$266,000. The FY 02-03 budget was adopted including \$175,000 in revenue from this source.

Baxter asked that Renee Plata explain the vacancy adjustment. Plata explained that a customer can file for a vacancy by completing an affidavit stating how many units are vacant and the charges are then written off. This can be done for single family, apartment units or business units. The water meter does not reflect a reading of less than 1,000 gallons so 999 gallons can be used before it is shown. Discussion was held on the ability to prosecute for a false declaration being made as to a vacancy, and the amount of time involved in processing vacancies.

Al Caldwell, apartment owner, presented an overhead slide of a utility bill for four units and marked how an adjustment would be given if one unit were vacant. A bill for four units is the same as the base bill for one unit times four, so all of the categories on the bill are increased by four, except for the pumping charge which is based on consumption. The City bills in 20 cycles but apartments are usually rented on the 1st or 15th of each month. Plata said there is no way of knowing whether two or three units were vacant or one or none, other than the statement by the person paying the bill.

Discussion was held on the survey showing that no other cities provide for vacancy adjustments, as well as a survey

by Caldwell showing that 12 other cities do not allow for vacancy adjustments because they bill based on consumption, rather than multiplying the base bill by the number of units, and each of those cities had lower costs than Lawton. Caldwell said it was not fair to expect a relatively small group of apartment owners and businesses to pay an additional \$175,000 in comparison to the rest of the population.

Ewing-Holmstrom said this was discussed during budget reviews and the City was not trying to balance the budget on the backs of the apartment owners. She said she interpreted this as them not wanting to pay for the City having the services available, and the gas and electric companies certainly would not write off a bill because a person said no one was there, and as far as she was concerned, the City would not be doing that either. She said she could not justify writing off \$783,000 when the citizens' water rates were recently increased. Ewing-Holmstrom said she was not saying the apartment owners are getting water for free but they are getting a service for free. She said she was offended by apartment owners who called trying to bully her into changing her stance, it is wrong and unethical and there are some members here who cannot vote on this and she would expect them to abstain.

Caldwell said the apartment owners were not asking for anything other than what the rest of the citizens have available to them but the apartment owners feel they are paying an unjust portion; a one bedroom apartment and a five bedroom house are not equal. He said Lawton charges much more than other cities and there is a need to find other sources of income, not just the utility billing or multi-unit. Caldwell said apartments should be billed for a dumpster instead of a per unit rate for solid waste; five increases have been enacted since he became an apartment owner in 1992 and he had not seen a crowd like this at any of those meetings but the group had gone as far as they could and felt this must stop. He said the City must live within its budget, reduce that budget, and the budget was being balanced on their backs because numerous documents show there is a need for \$175,000 from the apartment owners to balance the budget.

Mayor Powell asked if Caldwell had a suggestion and if it was to furlough people. Caldwell suggested the Mayor and City Council do their jobs and come up with an alternative method. Discussion continued regarding the length of time it takes to complete a vacancy, the computer options to improve that and the ways this is handled in other cities by billing based on consumption.

Donna Richards, 322 SE Camelot Drive, pointed out that apartment owners must pay the same increases as the single family homes but it is multiplied by the number of apartment units. She said the solid waste charge was increased to them per unit, but they had the same number of dumpsters, and that they pay for every drop of water they use. She gave figures as to what they would have had to pay using the base rate for unoccupied units which would have used no water, sewer or solid waste. Richards said it is not about water because they are paying for every drop, it is about the \$32 base rate they are charged, rather than being charged based on consumption; other cities do not have vacancies because they bill based on consumption rather than on the number of units times the base rate. She said when they have a vacant unit, they are losing rent income and now would be losing again through the utility bill payment, and since Lawton is a heavily military community, events such as Desert Storm are devastating to the housing industry. Richards suggested an ordinance be passed to penalize those who abuse the vacancy adjustment and that the City be fair in its considerations of what apartment owners should pay.

Discussion was held on penalizing those who file false statements regarding vacancies, as well as the amount of employee time that would be required to prove such an accusation.

Frank Richards, 322 SE Camelot Drive, said 99% of the apartment owners would be honest in filing for vacancy adjustments. He said HUD sent 300 housing vouchers to Lawton so many moved out of the apartments to take advantage of that government funding, leaving those apartment owners without the rent income. Richards said there are very tight controls on apartments with HUD assistance and he had tried to properly maintain them and run off the drug and prostitution problems but needed the City's help. Mrs. Richards noted they do not have the option to turn the water off to individual apartments like they do with the gas and electric. Caldwell urged passage of a consumption based system and to bill them for dumpsters for solid waste service rather than billing for individual units.

Bob Hutchins representing the trailer park at Doe Doe Park said he had 131 spaces and 45 are rented; the utility bill was \$1,500 and without the vacancy adjustment it would have been another \$2,700. He said all they have are concrete slabs with hook-ups, and many use the RV park for only a few days so this would be a big injustice. Hutchins asked the Council to consider the money it costs to run a business and that to double their bills would not be right.

Ewing-Holmstrom said the City provides a service of sewer, water and solid waste whether it is used or not and the City has done its part by supplying the services and that is what the charge is for. Hutchins said if individual water meters were installed, it would be costly up front as well as to read and maintain.

Alan Boyles spoke regarding the per unit charge for solid waste and the rates charged by other solid waste service providers. He said they had to pay the City's solid waste charge whether or not they used that service, and it is a per unit charge, not even a dumpster charge like others have. Boyles said they should have the ability to refuse the

solid waste service and the related charge.

Terry Bryant said apartment complexes have one master meter which causes this situation, but it is very expensive to retrofit them to have individual meters.

Shanklin reviewed a green bar sheet showing multi-unit accounts, amounts of water consumed and number of vacancies filed. He said one complex had an average of 3,000 gallons per month per unit and that seemed common; another filed for vacancies to the point that 13,000 gallons were used by one unit. Baxter said that would be an obvious case of a person filing a false request for vacancies. Shanklin said if a vacancy is requested where it shows one unit used 5,000 gallons, that was likely not 100% honest, and he would volunteer to be the first one audited as far as vacancy claims although he did not have a 100 unit apartment complex. Shanklin said the City got behind because they spent \$1.2 million on salaries that the City Manager asked them not to do. Baker said that was correct originally. Shanklin said he did not vote for it, and he reviewed national events and their effect on state government and schools, and said there are other ways to be fair in dealing with the vacancy issue.

Shanklin said the Council should not make a decision without considering all options and suggested that Ewing-Holmstrom, Caldwell, Baxter and others meet as a committee to find a solution. Baxter and Ewing-Holmstrom declined. Bass asked if it was possible for the apartment association to present suggestions to solve this. Caldwell said they should look at what the other cities do in these cases. Mayor Powell said they were given a month to provide a plan and the only plan seemed to be doing nothing; the City does not have the manpower to audit every apartment complex, and we are not in the business of putting people in jail. Caldwell suggested billing based on consumption like other cities do, and charging for solid waste by a dumpster charge rather than a per unit charge. Mayor Powell said residents and businesses were required to pay higher bills, not just apartment owners, and asked if a committee was desired.

MOVED by Shanklin, SECOND by Bass, that the Mayor appoint a committee of Council and the apartment complex people, and have a dialogue with this green bar sheet. (Shanklin said he did not want to be on the committee.)

Moeller said she did not want to be on the committee, she had no interest in rental property but was in real estate and understood the effect that a war has on housing. She said the comment about trying to balance the budget on them is not so; the money we have pays for your services; capital outlay is a surcharge for police cars you need to patrol your areas, you want us to take that off but we need it. Sewer rehabilitation is needed because of all of the claims, and if yours backed up, you would want tax money to pay for that so we have to fix it. If we do not do drainage maintenance and there is a flood, it is our fault. Moeller said she agreed with the approach and asked that everyone please think about the things we have to fix so you do not get flooded or have a sewer back up and can have police patrol. She said she was not offering any suggestion, just saying to think about those as a separate issue.

Baxter said he did not want to be on the committee. He said he got a call 40 days ago from the City Manager asking him to back off and let the apartment association bring a proposal with a compromise to cover that \$175,000 that is in the budget. He said he had got many calls, political letters and pressure from some influential people; this only delayed it 30 days to put pressure on the Council. Baxter asked what the compromise was to put \$175,000 back in the budget. Ewing-Holmstrom said she had a letter from the apartment association saying to furlough the city employees. Mayor Powell said he would not support employees being furloughed.

Mayor Powell said he would be on the committee and whoever else wanted to and they would reach some agreement, which everyone may not be happy with but they should not criticize if a plan is formed.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None.
MOTION CARRIED.

The Mayor and Council recessed at 7:55 p.m. and reconvened at 8:05 p.m. with roll call reflecting all members present except Devine.

Due to persons in the audience, Item 31 was considered at this time.

31. Consider a request from the Lawton Metropolitan Area Airport Authority to have a report prepared on the number of passengers that drive from Lawton to Oklahoma City or Dallas instead of using the Lawton airport. Exhibits: None.

Bass asked if there was a way to find out how many passengers drive to other airports. Hossein Moini, Airport Authority, said consultants do this by getting the numbers from the airlines. Bass asked why the funds would not come from the Chamber of Commerce instead of from the 2000 CIP. Moini said the hotel/motel tax was budgeted at the Chamber, the Council had approved that budget and he did not know if additional funds were available. Mayor Powell said that was asked before and funds are not there.

Bass asked how finding this out would improve the Lawton airport. Moini said this is stage one and it would show if we could support having another airline, and if so, the consultant will make a presentation to the airlines to try to bring them here. Bass agreed another airline was needed.

Moeller asked for a report on how the \$30,000 was spent that was allocated for the Fly Lawton campaign. Bass asked the balance of the 2000 CIP economic development portion. Baker said \$763,000. The request was for an amount not to exceed \$10,000.

MOVED by Ewing-Holmstrom. SECOND by Haywood, to approve the request as stated. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

UNFINISHED BUSINESS:

25. Consider a request from Mr. and Mrs. Doug Shilling for the sale of treated water and sewer to service a commercial building located at the southeast corner of Tennessee and SW 38th Streets, provide direction to staff and if appropriate, authorize the Mayor and City Clerk to execute an agreement. Exhibits: Letter; Map; Council Policy 5-2; Letter of Comment with excerpt from State Tax Commission.

Vincent said information regarding sales tax was included in the folder. Discussion was held as to this area not being annexed because it was platted without infrastructure, previous approval of a similar request to a business adjacent to this lot, annexing only this portion of property, and the policy decision of whether commercial development outside the city limits should be encouraged by the city providing services to that business. The owner would have to bring water and sewer lines to his property whether it was inside the city limits or not. Requiring the owner to comply with all city codes on his building, to include the parking area, by making that a contract provision to be able to obtain city services was considered.

MOVED by Baxter. SECOND by Haywood, to table this item pending contract negotiation. AYE: Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

26. Hold public hearings and adopt resolutions declaring the structures at: 1212 SW H Avenue; 1133 NW Maple Avenue; 6106 NW Cherry Avenue; 1304 SW 19th Street; 1907 SW E Avenue; 1205 NW Taylor Avenue; 1207 NW Taylor Avenue; 1408 NW Kingsbury Avenue; 1703 NW 15th Street to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Nine resolutions on file.

Angie Alltizer, Neighborhood Services, requested that properties at 1205 Taylor and 1408 Kingsbury be stricken because inspections did not show a need for condemnation. Owners of 1212 SW H, 1133 NW Maple and 6106 NW Cherry requested condemnation to receive reduced landfill fees.

1212 SW H Avenue, Waldman Addition, Block 14, Lot 6; Title Holder: Essie O. Cameron.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood. SECOND by Baxter, to approve Resolution No. 02-194 declaring the property dilapidated and causing a blight. AYE: Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

1133 NW Maple Avenue, Fields & Dunning Addition, Block 13, Lot 40; Title Holder: King Wiggins.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hanna. SECOND by Bass, to approve Resolution No. 02-195 declaring the property dilapidated and causing a blight. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

6106 NW Cherry, Brockland Addition, Block 22, Lot 3. Title Holder: Jim McGuire.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Baxter. SECOND by Ewing-Holmstrom, to approve Resolution No. 02-196 declaring the property dilapidated and causing a blight. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

1304 SW 19th Street, Lawton View Addition, Block 15, Lots 17-20. Title Holder: Ralph R. Stockwell.

Alltizer said this wood frame structure is vacant and unsecured; until recently it was used for a lawn mower repair business. Property is in probate and someone has expressed an interest in purchasing it. She recommended condemnation, noting the two other structures on the lot were in decent shape.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Baxter, to approve Resolution No. 02-197 declaring the property dilapidated and causing a blight. AYE: Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

1907 SW E Avenue, Radio City Addition, Block 15, Lots 12-14. Title Holders: Vickie Lynn Cann. Mortgage Holders: Security Bank & Trust; Charles & Sidonia Kelsey.

Alltizer said this property contains one wood frame structure and nine mobile homes, one of which has been burned. The City permit for the mobile home park expired in 1991. Mayor Powell asked if all of it was to be condemned and Alltizer said yes. Shanklin asked who owned the property and Alltizer said Vickie Cann. Shanklin asked if demolition would be at Ms. Cann's expense. Alltizer said it would be filed in District Court by the City Attorney if needed.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Moeller, to approve Resolution No. 02-198 declaring the property dilapidated and causing a blight. AYE: Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

1207 NW Taylor Avenue, Lawton Heights Addition, Block 79, Pt of Lots 25 & 26, Being W 50' of Lot 4. Title Holders: Peter E. and Melissa M. Martin; Mortgage Holders: CMS Funding Corporation; First National Mortgage; Seacoast Equities, Inc.; WorldWide Credit Corp.

Alltizer said the structure was unsecured, has no floor, the back windows are busted and there is significant damage. It is located in zone one which is being monitored by the police department. She said the current owner of record according to the County Treasurer has sent letters stating they no longer own the property, which was involved in a tax sale but not sold. Alltizer said it is a definite nuisance and the City will likely have to spend money to tear it down.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hanna, SECOND by Baxter, to approve Resolution No. 02-199 declaring the property dilapidated and causing a blight. AYE: Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

1703 NW 15th Street, Lawton Heights Addition, Block 84, Lot 7. Title Holder: David F. Hooper.

Alltizer said this property contains five vacant mobile homes and utility service was discontinued in September 2002. The mobile home park permit expired in 2000 and no attempt has been made to renew it. A new permit would require the mobile home park to meet all current city codes, which are much more stringent than in the past.

PUBLIC HEARING OPENED.

David Hooper, Rt. 4, Lawton, said he bought the trailers last year and started fixing them but thought he would stop until after winter and that he was thinking of having the trailers moved off the property. He said the City personnel told him that as long as the trailers were secure that it was acceptable. Hooper said he was trying to dispose of the trailers but might want to keep only one, and it takes time to do this.

Hanna said he had been trying to get something done at this location for two years because the trailers had been used for drugs, prostitution and the homeless. Hooper said his maintenance man was supposed to be keeping them secure. Shanklin asked why he would stop work for the winter. Hooper said he could not afford a \$174 per month water bill without the vacancy provision. Mayor Powell asked how long it would take Hooper to get the trailers removed and Hooper said 60 days. Hooper said he agreed with the steps being taken to clean up the area because its present condition had devalued his property.

PUBLIC HEARING CLOSED.

MOVED by Hanna, SECOND by Haywood, to table this for 60 days and reconsider it if necessary or to drop it if work has been accomplished. AYE: Hanna, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Bass. NAY: Baxter. MOTION CARRIED.

27. Consider granting a 30-day extension to the reconstruction permit for: 1210 SW G Avenue and 1511 SW

Bishop Road. Exhibits: None.

Alltizer recommended approval of the 30 day extension for 1511 SW Bishop Road as work has been done. She recommended denial for 1210 SW G as no progress has been made but pointed out there have been two deaths in the owners' family in the last 30 days.

MOVED by Moeller, SECOND by Haywood, to approve the 30 day extension at 1511 SW Bishop Road. AYE: Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

MOVED by Moeller, SECOND by Haywood, to approve the 30 day extension at 1210 SW G Avenue. AYE: Baxter, Bass, Hanna, Ewing-Holmstrom, Moeller, Haywood. NAY: Shanklin. MOTION CARRIED.

Shanklin suggested an ordinance be prepared in regard to extraordinary circumstances such as these.

28. Receive the Quarterly Financial Report for quarter ending September 30, 2002.

Rick Endicott, Finance Director, said the projected deficit is \$2,703,894 and it is a serious situation for the rest of this year and for next fiscal year. Shanklin said he needed time to read the report and suggested this be continued until the next meeting.

Larry Mitchell, Assistant City Manager, distributed and reviewed a report on actions taken so far and suggested actions to reduce expenses and possibilities to increase revenue. Those items are summarized as: freeze hiring and purchase of capital outlay; eliminate vacancy adjustment; revenue from water rates for large industrial customers; close out of the Lawton Urban Renewal Authority, although federal provisions may prevent capture of some of those funds; reallocate manpower from the brush pumper truck to other equipment in the Fire Department to reduce overtime costs; Airport is to reimburse \$125,000 through a federal grant for security provided by Lawton police; transfer CDBG funds to assist with demolition costs; give 30 days' notice and terminate the Health Department contract; increase lake fees, and consolidate activities in Parks & Recreation. Mitchell said he would echo the Finance Director's concerns that next year may be a bigger problem and we were asked to identify issues for this year to close the deficit. Finance report and Mitchell's report are on file in the City Clerk's Office.

Mayor Powell said it is not as bad as it sounds; there is good news around the corner some place.

30. Consider directing staff to solicit bids or Request for Proposals for Solid Waste Collection Service and Operation and Maintenance of the City Landfill. Exhibits: None.

Shanklin said there is a funding shortage and there are other ways of doing this to save money. He said if members are here to create jobs and keep morale high, they will not be for this, but if they are here to move forward, receiving RFP's will be approved. Shanklin said Oklahoma City has privatized these services; they use backhoes and big dump trucks at their landfill but Lawton uses a scraper and has budgeted \$240,000 for maintenance of that scraper. He said in Nichols Hills the operator rides on the front side of the truck and trash is picked up mechanically. Shanklin said the City had difficulty getting bids for temporary labor in this area because of the workers' comp costs. He pointed out that the City was able to reduce staffing by ten at the Wastewater Treatment Plant when it was previously considered for privatization.

MOVED by Shanklin, SECOND by Baxter, to direct staff to put out an RFP in that area.

Baxter asked if the successful firm would have to purchase the existing fleet of packer trucks and if those funds could be applied toward this year's budget problems. Shanklin said the Council will approve the RFP before it goes out. Baker said he did not know if it could be done that quickly.

Jerry Ihler, Public Works Director, requested 45 to 60 days to prepare the RFP, and asked if Council preferred an RFP or bid specifications. The RFP allows firms to make proposals for various methods of operating and it may be hard to compare those when they are not all giving prices on the same things. Ihler said comparison for cost savings could be determined easier and with more certainty if bid specifications were issued instead of RFP's. Bass said he understood the firms would buy the equipment, use City employees and pick up twice a week; everything would be the same as what is going on right now.

AMENDED MOTION by Shanklin, SECOND by Baxter, to request bids instead of RFP's.

Moeller asked if they would have the City's costs to use as comparison. Baker said we submit a City bid and compare it to the others. Bass asked if the City's prices were shown in the budget. Ihler said yes, and the bid could call for a five year proposal. Baker said the difference between the budget and the bid is we would amortize the equipment and apply an annual cost.

Haywood asked about the employees. Ihler said the bid specifications can contain a requirement that the firm must

give current City employees the first right to be hired if they are qualified, and that provision was included when this was done in 1996. Bass said the company in Oklahoma City used the same employees so no employees were without a job. Haywood said they would no longer be city employees.

Hanna said at the end of five years, the price may jump and the City would not have any equipment or employees. Ihler said that is the problem. Shanklin said other cities have done this for 10-15 years and that should be looked at before making a commitment. Hanna asked if the City would continue to manage the landfill. Baker said the bid would be for operation and maintenance of the landfill but the City would retain ownership. Baker said bid specifications would be returned for Council approval.

VOTE ON MOTION AS AMENDED: AYE: Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller, Baxter. NAY: Haywood. MOTION CARRIED.

32. Consider providing financial support to the Santa Shops Lawton campaign. Exhibits: None.

Mayor Powell said sales tax is a large part of the City's budget and other cities seem to generate more than Lawton. He said he thought about ways to increase sales tax collections and had worked with the Chamber of Commerce to come up with a campaign that would be called "Santa Shops Lawton". A similar project was done in Ardmore very successfully. Businesses, the Chamber and the City would provide funding to have prizes and incentives for those shopping in Lawton businesses. He requested \$5,000 from the Mayor's economic development fund to be used for this purpose. Ewing-Holmstrom said other cities have excellent shopping. Baxter said several major new stores are planning to come to Lawton.

MOVED by Haywood, SECOND by Baxter, to approve this item, and authorize the Mayor to sign an agreement with LCCI. AYE: Hanna, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

33. Consider approving a resolution authorizing the calling and holding of a special election in the City of Lawton, Comanche County, Oklahoma, on January 14, 2003, to submit to the registered qualified voters of the City the questions of the City renewing a contract with the Waurika Lake Master Conservancy District for a period of twenty-five (25) years, for the purpose of financing the remaining unpaid indebtedness created by the original contract in the amount of \$20,851,571.53, said indebtedness being due and owing for the purchase and acquisition of reservoir space and other water system facilities at and from Waurika Lake, with said renewal providing for the payment of the outstanding contract indebtedness plus interest at the rate of 3.463 per cent per annum in annual installments over the renewal period of twenty-five (25) years; and the question of authorizing the City of Lawton to pay said outstanding indebtedness created by the original contract by levying and collecting an annual tax, in addition to all other taxes, upon all taxable property in said city sufficient to pay principal and interest on the unpaid indebtedness created by said original contract and authorizing the Mayor and City Clerk to execute the Resolution and Election Proclamation and approve the ballot titles. Exhibits: Resolution No. 02-200; Election Proclamation. (Resolution title is shown in item title.)

MOVED by Shanklin, SECOND by Hanna, to adopt Resolution No. 02-200.

The City Clerk read the resolution in its entirety as required.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. OUT: Hanna. MOTION CARRIED.

34. Consider entering into agreements with Christian Family Counseling Center, Inc.; Great Plains Improvement Foundation, Inc. and Wichita Mountains Prevention Network, Inc. to carry out CDBG projects authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2002 (July 1, 2002 thru June 30, 2003) and authorizing the Mayor and City Clerk to execute the agreements. Exhibits: None.

MOVED by Baxter, SECOND by Shanklin, to approve Item 34 as stated.

Shanklin asked how much money was involved. Baker said the agreements carry out the allocations already made in the one-year consolidated plan.

VOTE ON MOTION: AYE: Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass. NAY: None. OUT: Hanna. ABSTAIN: Haywood. MOTION CARRIED.

ADDENDUM:

1. Consider adopting an ordinance amending Lawton City Code, Section 15-2-201 ACCUMULATION OF TRASH, WEEDS, OR LOW HANGING LIMBS UNLAWFUL, and providing an emergency. Exhibits: Ordinance No. 02-46.

Baxter said this would prevent high weeds and grass in fields near residences and commercial properties, but it

would not affect land used for agriculture. Bass said there was a fire near the Lutheran Church and if the field would have been mowed, the fire could have been less severe and more controllable.

MOVED by Baxter, SECOND by Bass, to adopt Ordinance No. 02-46, waive reading of the title, and declaring an emergency. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

(Title read aloud prior to vote) Ordinance No. 02-46

An ordinance relating to nuisance abatement of tall grass and weeds, amending Section 2-201, Chapter 15, Lawton City Code, 1995, and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Col. Puckett explained a recent effort at Fort Sill to have support functions run like a business and allow active duty soldiers to concentrate on their primary mission. He suggested the City and Fort Sill could partner in matters such as bidding solid waste collection and landfill, if not now, perhaps in the future.

Shanklin asked if reports of violations were being turned in by solid waste personnel. Baker said yes, a number have been and it is becoming hard to keep up with them.

Shanklin said for the Waurika question to pass at the upcoming election, Council should consider guaranteeing that the funds freed up by use of ad valorem taxes to pay that bill will not go to salaries.

Moeller said she and the Assistant City Manager attended an Oklahoma Economic Development Council meeting today in Oklahoma City and it was very informative.

Ewing-Holmstrom said she was wearing her "cash cow" jacket because the City does not have money but no one will say "no" when anyone asks them for anything. She said the City is not in business to subsidize other businesses and sometimes they will have to say no, perhaps even to their own desires for funding for certain items. She said she planned to wear the jacket when funding discussions were taking place as a reminder of how much money is wasted.

Baker announced the upcoming retirement of City Librarian Marion Donaldson. He commended her outstanding performance over her 18 year career with the City of Lawton and wished her well.

Baker said the pumps at Waurika will be activated tomorrow for a test; if the lake level does not rise to the stated level within the week, we plan to leave the pumps on rather than turn them off for a very short time and then turn them back on. Baker said they would contact Col. Steuber regarding the solid waste matter and appreciated Col. Puckett's remarks in that regard.

BUSINESS ITEMS:

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Roger Waldroop against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Bill Baker as City Manager, and in open session, consider approving an Employment Agreement with Bill Baker as City Manager and authorize the Mayor and City Clerk to execute the agreement. Exhibits: None.

MOVED by Baxter, SECOND by Ewing-Holmstrom, to convene in executive session as shown on the agenda and as recommended by the legal staff. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 9:40 p.m. and reconvened in regular, open session at 9:55 p.m. with roll call reflecting all members present except Devine.

Mayor Powell reported executive session was held as shown in Item 35 and that the claim was explained by the legal staff in executive session. He asked if there was a motion for no action.

MOVED by Hanna, SECOND by Bass, to take no action on this claim. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Mayor Powell reported executive session was held as shown in Item 36 where the Council discussed the City Manager's performance and contract.

MOVED by Hanna, SECOND by Haywood, to approve Baker's contract for the coming year as it is presently written. AYE: Haywood, Baxter, Bass, Hanna, Ewing-Holmstrom, Shanklin, Moeller. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 10:00 p.m. upon motion, second and roll call vote.